

CHURCH AND STATE

A MONTHLY REVIEW



VOL. 10 NO. 3

MARCH 1957

BULLETIN—Milwaukee's Station WISN-TV announced on February 26, and Chicago's WBKB-TV on March 1, that each would televise "Martin Luther" (March 8 and April 23). The news was encouraging, but the legal and social questions raised by WGN's ban remained to be settled.

Enforce Law on 'Alien' TV Stations, POAU Asks

POAU, in identical letters addressed by Executive Director Glenn L. Archer to members of the Federal Communications Commission, has asked the government to deny all television channels to corporations owned by the Jesuit order on the ground that this order is an unqualified "alien" under the Communications Act. Jesuit applications for TV channels in New Orleans and St. Louis are now pending before the FCC, sponsored by Loyola University and St. Louis University, both Catholic institutions owned and operated by the Jesuits.

The surprise move against Jesuit TV applications was made on January 28, but was not made public at that time because of POAU's desire to give priority to publicity about the *Martin Luther* ban in Chicago.

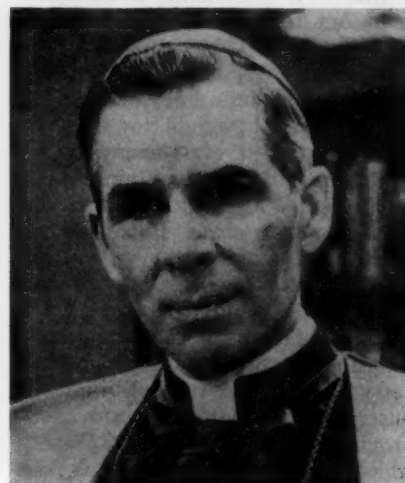
A supplementary reason urged by POAU against the granting of any TV channel to the Jesuit order was that "both the rules of the order and the rules of the Roman Catholic Church of which the Jesuit order is a part, prohibit fair treatment or impartial consideration in the handling of the fundamental principles of any religion except the faith of the Roman Catholic Church." The letter cited the fact that for 30 years Station WEW, the Jesuit radio station in St. Louis, had confined its religious

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Both Should Be Heard!



REVIEW AND HERALD PHOTO
Martin Luther



Fulton J. Sheen
NC PHOTO

Protest Against 'Luther' Ban Attains National Proportions

The national drive against the suppression of the film *Martin Luther* on television is reaching proportions that rival the 1951 drive against the appointment of an American ambassador to the Vatican. During February upwards of 150,000 citizens of the Chicago area, working under the Action Committee for Freedom of Religious Expression, signed petitions protesting against the "sectarian censorship" which caused Station WGN-TV of Chicago to yield to Catholic pressure and to cancel the film just two days before its premiere.

In Washington attorneys for the 43 representatives of religious and secular organizations comprising the Action Committee have filed a petition with the Federal Communications Commission asking for a hearing and the possible cancellation of WGN's license, on the ground that this *Chicago Tribune* outlet "has acted in an authoritarian, paternalistic way and . . . has turned its back upon freedom."

Simultaneously, leaders of POAU, lacking faith in the courage and independence of the present Federal Communications Commission, have launched a parallel drive to get a Senate investigation of the *Luther*

ban by the communications subcommittee of the Senate Committee on Interstate and Foreign Commerce, headed by Senator Warren G. Magnuson of Washington. It is hoped that if the FCC fails to investigate, Magnuson will take over and expose the anti-freedom forces behind the ban. Largely as a result of special appeals made by Paul Blanshard in recent POAU mass meetings in Los Angeles, San Diego and Kansas City, hundreds of telegrams and letters have poured into Magnuson's office asking for quick action. Under the circumstances, it is expected that the decision by the FCC will have to come first, and possible Senate investigation later.

The Chicago Action Committee's petition to the FCC, prepared by

(Continued on page 7)

No Freedom on TV?

Our two major stories on television in this issue of *Church and State* underscore the need for a consistent American policy for maintaining freedom of the air. With millions of TV sets in American homes, the importance of television as an instrument for controversial discussion is self-evident. If TV is closed to all religious controversy, the vast television audience may be deprived of access to vital truth.

Under the Federal Communications Act all American air waves are a public trust. The government must assume some responsibility for the assignment and control of competing interests when they fight for the same wave lengths. It must exercise some control in order to maintain a minimum quality in programs. Otherwise there would be chaos. But, while the Federal Communications Commission imposes some distributive impartiality on TV political programming under the law, it ducks almost all responsibility for "religious controversy." It allows the television industry to operate under an unrealistic provision in the private TV code which completely excludes any "attack" upon any religion.

This unrealistic code—plus the power of the Roman Catholic Church—is the key to the present situation. For several years militant Catholic Action groups, by picketing and by inundating TV stations with telegrams and telephone calls, have been able to terrorize even the most courageous of the station owners who would otherwise welcome some candid discussion of church-state policies on their programs. The timid station owners have always been able to justify themselves by citing the Code.

Compromise?

Under these conditions, birth control, the Catholic drive for public funds, the suppression of Protestants in Spain, and the general censorship policies of the Catholic hierarchy almost never receive candid treatment by any major network. The *Martin Luther* suppression in Chicago was just one episode in a running story of defeat for advocates of the right to bring religious "controversy" to the air.

Jack Gould, the able television editor of *The New York Times*, has suggested a possible compromise method for handling situations like the *Luther* ban. While opposing the ban it-

self and condemning the "error in judgment" of WGN in cancelling the showing, he also condemns the Chicago Action Committee for going too far in demanding cancellation of the station's license as a penalty for surrendering to Catholic pressure. Gould suggests that "the wiser example of broadcasting statesmanship" would be for WGN to offer *Martin Luther* and "then, if necessary, offer a companion program, on which exceptions to the film might be expressed."

All or Nothing

Gould's motives are honorable but we think he is a little naïve if he really believes that the Catholic hierarchy would ever accept the principle of "balanced" controversial discussion of its policies—on the air or anywhere else. For years it has fought—by boycotts and threatened boycotts—any radio station which dared to allow a favorable mention of birth control, while its own orators on religious radio "hours" have spread their hostile comments on the same subject. POAU does not know of a single TV station in America that would permit "a companion program" or a debate involving, for example, a POAU speaker and a Catholic bishop on such a vital issue as mixed marriages and the Catholic discriminatory rules in such marriages. When such subjects are treated on the air at all, they are handled with evasive timidity in order not to "offend" Catholic listeners.

No, Mr. Gould, we think that counter-attack all down the line is the only way to meet the Catholic challenge to freedom of the air. And the counter-attack should include in its scope the silly rule against critical comment on any particular church. We think that the Chicago Action Committee is performing an unpleasant but necessary service by trying to bring WGN into a federal hearing room to explain all the circumstances of the *Luther* suppression. Unfortunately the Committee cannot get at the Catholic hierarchy directly, but by attacking the station which surrendered to Catholic pressure it may dramatize the existence of the whole system of pressures against our basic freedoms.

It is because of its familiarity with that whole system of pressures that POAU is opposing any grants of TV licenses to the Jesuits, on the technical ground that the Jesuit order is an unqualified alien under the law. We are not worried about the exotic character of the Society of Jesus as such, but we know that the age-old

history of the Jesuit order—and indeed of the whole Catholic Church since the Middle Ages—has been a story of political and cultural manipulation in behalf of authoritarian rule. That type of rule must not be established over the American air. To paraphrase Martin Luther: Here WE stand!

P. B.

Archer on Louisiana Tour, April 1-13

POAU Executive Director Glenn L. Archer will speak in Louisiana during the first two weeks of April, according to the following schedule:

Apr. 1, in Minden's First Methodist Church, 10 A.M. and Shreveport's First Baptist Church, 7:30 P.M.; Apr. 2, in Ruston's Temple Baptist Church, 10 A.M. and Monroe's First Methodist Church, 7:30 P.M.; Apr. 3, in Alexandria's Calvary Baptist Church (annual convention of the Baptist W.M.U.), 1:30 P.M. and Bunkie's First Baptist Church, 7:30 P.M.; Apr. 4, in Natchitoches' First Methodist Church, 10 A.M. and Winnfield's First Methodist Church, 7:30 P.M.; Apr. 5, in Winnsboro's First Baptist Church, 10 A.M. and Tallulah's First Methodist Church, 7:30 P.M.; Apr. 6, in Jonesville's First Baptist Church, 10 A.M.; Apr. 7, in Pineville's First Baptist Church, 2:30 P.M. and DeRidder's First Baptist Church, 7:30 P.M.; Apr. 8, in Lake Charles' First Methodist Church, 7:30 P.M.; Apr. 9, in Baton Rouge's First Baptist Church, 7:30 P.M. (night session of the annual convention of the Louisiana Moral and Civic Foundation); Apr. 10, in Hammond's First Methodist Church, 10 A.M. and Bogalusa's First Baptist Church, 7:30 P.M.; Apr. 12, in Houma's First Baptist Church, 10 A.M. and Lafayette's First Baptist Church, 7:30 P.M.; Apr. 13, in Eunice's First Methodist Church, 10 A.M. and Jennings' First Methodist Church, 7:30 P.M.

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CHURCH AND STATE

NEWS From Far and Near

◆ The Church Federation of Dayton, O., after consulting the National Council of Churches, has decided to obey the Constitution of the United States as interpreted by the Supreme Court in the *Zorach* case, and discontinue the use of public school classrooms for religious instruction classes in 35 public school buildings outside Dayton. Dayton-proper has been obeying the Constitution; Dayton suburbs have been operating "released time" classes in school buildings under an attorney general's opinion that pre-dated the *McCullum* and *Zorach* decisions. The law violation was protested by Myron Shwartz of Fairborn.

◆ Orthodox priests in Greece, according to British Information Services Director John H. Peck, "have been forbidding marriage in church, baptism of infants and burial rights unless their flock agitate for union [of Cyprus] with Greece. . . ." (See also "Church and State," July, 1956.)

◆ Should the West Point chaplaincy system—by tradition in the hands of Protestant Episcopal clergymen—be changed or left alone? Congressman E. Ross Adair of Indiana introduced a bill (H. R. 3598) on January 24 to repeal the 1898 act under which the existing system was set up, thus placing the West Point chaplaincy under the Army Chief of Chaplains so that clergymen of various denominations could be appointed to the post. This followed the introduction on January 10 of H. R. 2459, by Congressman Paul J. Kilday of Texas, under which the present system would be continued but with a higher salary for the West Point civilian chaplain and authorization for appointment of an assistant. . . . Lutheran leaders convening at Atlantic City on January 30 heard a warning against a trend towards establishment of a "military church."

◆ A Supreme Court Justice in New York has dismissed the petition of Joseph Lewis of the Free Thinkers of America asking that the "under God" phrase in the pledge of allegiance to the flag, used in public schools, be dropped out as a violation of the First Amendment. The judge, however, ruled that the phrase was entirely voluntary and that no child may be compelled to repeat it. The decision may be appealed.

◆ Pope Pius XII slightly modified the Catholic rule on pain-killing drugs in a February 24 address to physicians. He declared that it is permissible to use such drugs in alleviating pain when death approaches even if they hasten death, provided the usual rites of the church have been completed. Hitherto, any shortening of life has been classed with forbidden euthanasia. The new rule will permit Catholic physicians to handle cancer patients with the same techniques used by non-Catholic physicians.

◆ "The New York Times," in editorials of January 3 and February 15, took the same dim view of the unofficial "religious-quota" system as "Church and State" has expressed in the past. The editorials rebuked politicians for seeking candidates with the "right" religious affiliations to succeed former State Attorney General Jacob K. Javits (now U. S. Senator) and Superintendent of Schools William Jansen (slated to retire next year).

◆ A proposed change in France's compulsory education law, under which children would be required to stay in school until they are 16 rather than 14, has alarmed the country's Roman Catholic educators. They insist that the National Assembly should not pass the administration bill unless provision is made for government assumption of the added cost of keeping some 1,700,000 parochial school pupils in school two years more. These pupils, according to Religious News Service, make up about one-fifth of France's total school population.

CLEVELAND MEETING

O. C. Lambert, author, will speak on "Violations of Our Religious Liberties" on Thursday, March 28, at 8 P.M., in the Euclid Avenue Baptist Church chapel, Euclid and E. 18th, Cleveland, O.

Ninth POAU Conference Heart-Warming Success

The Ninth National Conference on Church and State, held recently in Los Angeles, was the largest in POAU history.

When invitations to hold the Conference were received, the Washington POAU staff expressed concern about the matter of attendance and the problem of promotion of a meeting 3,000 miles from the home base. The other eight Conferences had been held in Washington.

The decision to hold the Conference in Los Angeles grew out of the unusual interest expressed in the national program of POAU by West Coast members and chapter groups and the assurances of strong support.

POAU Director of Organization John C. Mayne, who made two advance trips to California to complete preparations for the Conference, is strong in his praise of the enthusiastic co-operation on the part of the West Coast members. Dr. Roy L. Laurin, Los Angeles chapter president, was general Conference chairman, and William Eytel was manager of the POAU Regional Office, used as a headquarters for Conference promotion.

More than 125 Los Angeles area members served on the nine Conference committees. Nine pre-Conference planning and preparatory meetings were attended by these committeemen and their chairmen. A campaign to secure 300 sponsors in advance of the Conference went "over the top" on Thanksgiving day. More than 1,200 friends of POAU became sponsors or registered in advance of the Conference dates of February 4 and 5. Two hundred additional registrations were received while the meetings were in session. The Conference was self-supporting financially.

An encouraging aspect of the preparatory work was the manner in which more than 40 churches and denominational groups opened their services and meetings to POAU staff and Board members. Opportunities were given for the presentation of the work of POAU and for announcement of the Ninth Conference sessions. Associate Director C. Stanley Lowell, Board members Dr. Clyde W. Taylor and Dr. Frank H. Yost, and the POAU Director of Organization addressed groups.

Fifty-five leaders in the religious, educational and legal fields partici-

(Continued on page 7)

POAU Urges Post Office To Reject K. of C. Stamp

A concerted drive for a United States postage stamp commemorating the seventy-fifth anniversary of the founding of the Knights of Columbus is now being made in Washington by Catholic organizations, and at least seven bills providing for such a stamp have been introduced in Congress. In spite of the very great pressure it is probable that the measures will be defeated because the traditional policy of the Post Office Department has been to reject all memorial stamps for sectarian organizations.

In 1954 (*Church and State*, December and March, 1954) the Post Office Department was called upon to issue a memorial stamp celebrating the one-hundredth anniversary of the founding of the Young Women's Christian Association in the United States. At that time similar requests were made to the Post Office Department for the issuance of a Jewish Tercentenary stamp and a Roman Catholic Marian Year stamp. All of these stamps were rejected by Postmaster General Arthur E. Summerfield.

Executive Director Glenn Archer has asked the House Committee on Post Office and Civil Service for permission to appear at any public hearing in opposition to the proposed K. of C. commemorative stamp. "If the K. of C. is entitled to a stamp," he asked, "then why not a stamp for POAU?"

Later, L. Rohe Walter, special assistant to the Postmaster General, answered an inquiry with a reaffirmation of the policy against issuing "religious, fraternal or political" commemorative stamps, saying that "the wisdom of this policy has been amply justified."

Constitution Comes First, Declares Justice Brennan

Supreme Court Justice William J. Brennan of New Jersey, the first Roman Catholic to be named to the Supreme Court since the death of Justice Frank Murphy, emphatically declared before a Senate Judiciary Committee hearing on February 27 that he put his oath of loyalty to the Constitution of the United States above any loyalty he owed to his church and the pope.

After Charles Smith of the National Liberal League had raised the issue in a private subcommittee hear-

ing, Senator Joseph C. O'Mahoney of Wyoming asked Justice Brennan the following question, as phrased by the League:

You are bound by your religion to follow the pronouncements of the Pope on all matters of faith and morals. There may be some controversies which involve matters of faith and morals and also matters of law and justice. But in matters of law and justice, you are bound by your oath to follow not Papal decrees and doctrines, but the laws and precedents of this nation. If you should be faced with such a mixed issue, would you be able to follow the requirements of your oath or would you be bound by your religious obligations?

Justice Brennan replied that he had taken his judicial oath without reservation. He declared: "There isn't any obligation of our faith superior to that oath." The Brennan statement came at the end of a stormy hearing in which a bitter controversy developed between the new justice and Senator Joseph R. McCarthy of Wisconsin.

POAU, after studying the Brennan record and the procedures of Senate committees, decided to make no formal statement at the hearing because of the limitations imposed upon witnesses who wish to discuss

general principles apart from the personal record of nominees. No evidence was discovered in the Brennan judicial record to indicate personal subservience to Catholic as against Constitutional principles. In the absence of such evidence POAU leaders did not believe that a general critical analysis of Catholic-state judicial conflicts would be received in the record, and the actual events of the hearing verified this view. Outside witnesses are not permitted to put questions directly to a nominee.

Church and State will keep readers informed of the reaction in the Catholic press to Justice Brennan's repudiation of papal supremacy over any aspect of his judicial conduct. It is possible that he will be attacked by the more conservative wing of his church for his unqualified position.

Going Up!

We are printing 70,000 copies of this issue of "Church and State." This is the largest number to date. The rapid increase indicates that the American people are waking up.

GRIN AND BEAR IT

By Lichty



"I not only oppose any increase in postage rates, gentlemen, but shall demand that a stamp be issued commemorating my courageous fight against it!"

CHICAGO SUN-TIMES SYNDICATE

City Project Faces Series of Law Suits

Moving ahead vigorously with plans to appeal a February 21 New York Supreme Court ruling by Justice Benedict D. Dineen, New York City residents and businessmen opposed to the projected \$228,000,000 Lincoln Square redevelopment (*Church and State*, December, 1956) have announced that they are prepared to challenge the huge project on several legal fronts. Fordham University and St. Matthew's Roman Catholic Church would be among the principal beneficiaries of the jointly financed city-federal project, the estimated cost of which was originally put at \$175,000,000, or \$53,000,000 less than the latest estimate.

Justice Dineen dismissed as legally "premature" the plaintiffs' challenge of the project because the plans had not yet received final authorization of the city Board of Estimate. However, Chairman Robert Moses of the Committee on Slum Clearance has persistently discussed the project as a completely settled matter except for a few minor details, and *The New York Times* reported five days after Justice Dineen's ruling that "The first physical alteration in the Lincoln Square area looking to the proposed \$228,000,000 redevelopment got under way yesterday [Feb. 25]." Although Justice Dineen relied heavily on technicality in his 4-page ruling, he did make some reference to the merits of the case when he argued:

"That Fordham University and St. Matthew's Church may ultimately become purchasers of the portion of the property sought by them at a price below that at which it was acquired originally for the purposes of redevelopment is a possibility, but not necessarily so and would not constitute a deviation from a public purpose nor a gift of public funds. If the public good is enhanced, it is only secondary that private interests may be enhanced."

On the other hand, Harris L. Present, chairman of the Council on Relocation Practices and attorney for the plaintiffs, argued that the "public good" would be harmed by the project because of inadequate provision for the welfare of dislocated tenants and infringement of the church-state separation principle, among other things. He pointed out that in the case of Fordham University alone, a church institution would be acquiring about 300,000 square feet of land

at less than \$5 a square foot, amounting to "a direct subsidy to Fordham University in a sum in excess of \$3,500,000."

Present, who indicated that several national organizations have conferred with him on the church-state-separation aspect of the case, summarized the principal grounds of opposition, including considerations of general welfare as well as religious liberty. He said the area should be improved under a different kind of plan.

Alternative

Elaborating, the attorney urged that the Lincoln Square project be abandoned in favor of a "neighborhood rehabilitation program to basically benefit the residents and businessmen," who, he said, are prepared to ask the City Planning Commission to designate the neighborhood as an urban renewal area. This would make it eligible for federal aid in a block-by-block survey to see how improvements could be made with a minimum of dislocation.

Probably as a direct result of the controversy, Regional Administrator Walter S. Fried of the Federal Housing and Home Finance Agency, announced that the agency would hold up its \$33,500,000 contribution toward the necessary land resale (increased from an original estimate of \$10,000,000) until Robert Moses might submit more and better data on the project. William S. Leibold, director of the Committee on Slum Clearance, professed to be unworried, however. While Moses was vacationing in the Virgin Islands, Leibold declared confidently: "We're going to move right ahead with Lincoln Square."



Indiana, Vermont School Bus Financing Explored

Actions affecting the status of tax support for parochial school bus transportation were taken in Indiana and Vermont at the end of January. A bill providing local responsibility for such aid in Indiana townships of less than 30,000 population was introduced into the state legislature by Representative Edward P. Elsner of Seymour, while in Vermont State Senator Fred B. Crawford of Orleans "reluctantly" withdrew his bill, introduced earlier, calling for "mutual cooperation" of public, parochial and private schools in transportation.

Elsner's bill for Indiana would authorize township trustees to pro-

vide tax-paid parochial school bus service with the stipulation that additional busses may be purchased, if necessary, if at least 75 township residents approve. Existing state law allows public school busses to carry parochial pupils if they live along established public-school-bus routes. At this writing, Indiana POAU leaders believe the bill will be defeated.

Senator Crawford withdrew his bill for "mutual cooperation" in Vermont after he learned that the "mutual cooperation" would not be forthcoming. The state legislature had been the scene of intensive arguments over the school bus question in the spring of 1955 (*Church and State*, April, 1955), when a parochial school aid measure was defeated largely by the eloquence of State Senator Graham S. Newell of St. Johnsbury. Senator Newell's classic exposition of the reasons why parochial school pupils should *not* ride at public expense was reprinted by POAU in pamphlet form under the title, *Double Jeopardy*, and may be obtained from POAU national headquarters. Senator Crawford, in attempting to revive the issue, soon learned that Vermont voters had not forgotten the force of Senator Newell's arguments. Dr. John L. Gregory, general secretary of the Vermont Church Council, had prepared a formal statement opposing S.7, the Crawford bill, but the scheduled hearing was not held. Crawford announced withdrawal of the bill in "the best interest of all," even though he had advocated his plan as "a fair, honest, Christian way of handling a problem which is prevalent in our rural areas."

Another aspect of church-state relations and school problems has come to the fore in the Vermont legislature with the introduction of a bill by Representative Harold G. High of Weston on the subject of state tuition payments. High's bill originally would have removed the \$225 ceiling on tuition payments made by towns without high schools for education of each secondary school pupil attending school outside the district. The legislature's education committee amended the bill to restrict payments to students attending public high schools or academies only. The amendment, it was argued, would avert skyrocketing costs in some communities where parents might select \$1,000-a-year private schools for their children. Because of controversy on this point and confusion resulting from a mistake in printing the bill, it was recommitted for further study.

School 'Commandments' Stir New York Storm

The Nine, or Ten, or Eleven Commandments—depending on which way you count them—which the education board at New Hyde Park, N. Y., had planned to post in public school buildings became the subject of an Albany hearing on January 30 at which they were denounced as "bad theology, bad pedagogy and bad law." The local board had voted 6-1 on November 25, 1956, to display the Commandments. The Rev. Kenneth Brown of the New Hyde Park Presbyterian Church had opposed the move while The Rev. Carl J. Kruger of Trinity Lutheran Church and The Rev. A. J. Pfundstein of Notre Dame Catholic Church had supported it.

Four Nassau County parents, aided by the American Jewish Congress and the New York Board of Rabbis, appealed to State Education Commissioner James E. Allen, Jr., to prohibit Union Free District No. 5 of the Towns of Hempstead and North Hempstead—the New Hyde Park school board—from going through with its plan to post an unnumbered, "non-sectarian" Decalogue. Attorneys for the objectors were Leo Pfeffer, author of *Church, State, and Freedom* and *The Liberties of an American*; David D. Rothbart and Ralph L. Bernstein. Michael A. Castaldi appeared as special counsel for the school board. At the end of the hearing Commissioner Allen reserved decision and allowed about three weeks for the filing of legal papers, but no ruling was expected before mid-March.

New Religion?

While Castaldi maintained that the school board "only wants to convey the moral and spiritual lesson of the Ten Commandments," Pfeffer called its move "another step in the threatening evolution of a new religion in America—'public school religion.'" He presented an analysis of differences between the "Public School" Decalogue and Jewish, Roman Catholic, Lutheran, Protestant and Greek Orthodox versions. Asserting that the "Public School" version had an introduction and either nine or eleven Commandments "in an ambiguous and confusing arrangement," Pfeffer noted, among other things, that the First Commandment—"I am the Lord thy God"—as listed in the Jewish Decalogue appeared in Christian and "Public School" versions as an Introduction rather than a Commandment. The school board, he said,

was merely promoting "bad theology" when it sought to obscure religious differences by redrafting the Decalogue in a form different "from those accepted and considered sacred by all the major faiths of America." "These differences," he continued, "cannot be brushed aside by a secular authority as inconsequential. Differences in biblical text and interpretation are the very basis of the differences in religious faiths."

Temptation

The American Jewish Congress attorney argued further that the move would be "bad pedagogy" because it would place teachers in an "impossible" position. "It is inevitable," he observed, "that the children will ask their teachers to explain the meaning of the Commandments so conspicuously posted on the walls, particularly since the public school version differs from what the children have been taught in their own religious schools. Public school teachers may not answer the questions and are instructed to refer the children to their own spiritual advisers. . . . Some teachers, despite the ban, will be unable to resist the temptation to answer the questions in accordance with their own sectarian interpretations."

'Bad Law'

Finally, Pfeffer contended that the proposed practice would be "bad law" because it "violates the Constitution of the United States and the Constitution of the State of New York. Both constitutions require the public schools to refrain from religious instruction and religious indoctrination. It is sacrilegious and false to say that the Ten Commandments is not a religious symbol, one of the most deeply religious symbols of the major faiths. The United States Supreme Court has ruled that the U. S. Constitution prohibits states and municipalities from commingling the sacred and the secular. The posting of the 'Public School Ten Commandments' in the classroom violates this prohibition."

Rothbart, representing three New Hyde Park housewives, and Bernstein, speaking for a fourth Nassau County resident, presented similar arguments.

An editorial by Lee Macon in the "Alabama Baptist" of January 24 deals cogently with Senate Bill 259, which provides for a special Knights of Columbus stamp. Reprints can be ordered from the Brotherhood Department, Baptist State Executive Board, P.O. Box 870, Montgomery 2, Alabama. (Enclose 10c for mailing.)

'Alien' Stations

(Continued from page 1)

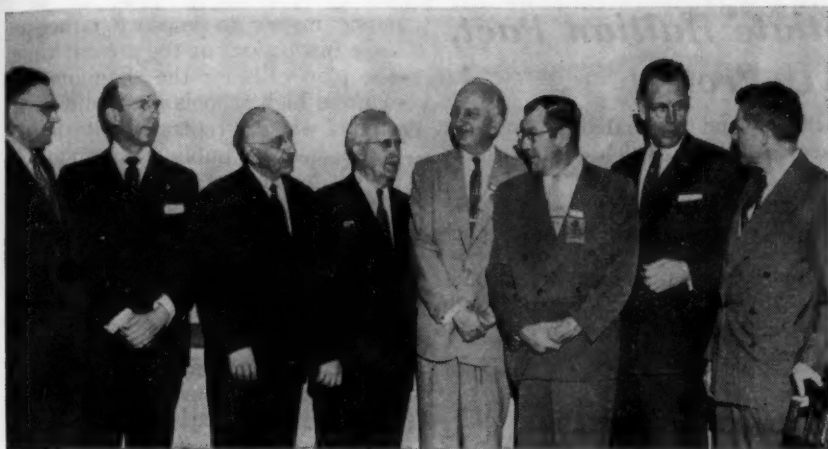
programs to those appealing to Catholics.

Strongest emphasis in the Archer letter was laid upon two points: (1) that Section 310 of the Communications Act specifically excludes a licensee who is an "alien or the representative of an alien," and (2) that the Jesuit order is a predominantly alien organization in both membership and control. It was pointed out that both Loyola University and St. Louis University are ruled by boards of directors composed entirely of Jesuit priests, and that each one of these priests is subject to removal or transfer by the Jesuit Superior General, who is a citizen of Belgium. It was also pointed out that the vast majority—about 24,500 in 32,000—of Jesuit members are non-American. To establish these facts the letter to the FCC cited much sworn testimony given at FCC hearings by the Very Reverend Paul C. Reinert, president of St. Louis University, and the Very Reverend W. Patrick Donnelly, president of Loyola University in New Orleans. It was pointed out that the Jesuits control 60 per cent of the voting stock of St. Louis Telecast, Inc., which is applying for Channel 11, and that the ownership scheme of the corporation is an "artifice" which does not conceal the actual alien organization in control.

This portion of POAU's case concluded with the argument:

It should also be pointed out that the power of the Pope under Canon 218, and other Canons of the Roman Catholic Church, to remove from membership, transfer or direct any Jesuit members of the controlling boards of Loyola University or St. Louis Telecast, Inc., makes these corporations "alien" within the meaning of section 310 of the Communications Act. The Pope is the head of a "foreign government" within the meaning of section 310 (a) (2), since he embodies in his person the complete executive, legislative and judicial power of the State of Vatican City. He is personally an "alien" in several senses of that word; he is not a citizen or resident of the United States; he is a citizen and resident of Vatican City; he is the head of a foreign government to which many of the world's leading governments send diplomatic representatives; he is not under the control of any American agency in respect to any aspect of his activities.

Church and State will keep POAU members informed as to the outcome of this legal move. A single copy of the complete text of the Archer letter is available to any member on application.



LOS ANGELES TIMES PHOTO

Among the scores of leaders who helped make POAU's Ninth National Conference an outstanding success were (above, left to right): Jesse K. Lewis, Lexington, Ky., attorney; Henry C. Clausen, San Francisco attorney; J. Howard Williams, president of Southwestern Baptist Theological Seminary; POAU Recording Secretary Frank H. Yost; Roy L. Laurin, Baptist pastor and president of Los Angeles chapter; Emmett McLoughlin, superintendent of Memorial Hospital, Phoenix, Ariz.; Clyde W. Taylor, secretary of affairs, National Association of Evangelicals; and POAU Associate Director C. Stanley Lowell. Although not present when the picture was taken, POAU Organization Director John C. Mayne and Special Counsel Paul Blanshard worked closely with others on the massive details of the Conference.

Ninth Conference

(Continued from page 3)

pated in the two-day Conference program. The gratitude of the national staff and board has been expressed to all who co-operated in the program and administration of the California meeting.

Conference preparations were greatly expedited by the help received from a staff of fifteen office volunteers in Los Angeles. Donations of office furniture and equipment added to the efficiency of the promotional efforts. A corps of fifty volunteer ushers handled the seating at the Conference sessions.

A dignified atmosphere for the Conference meetings was provided by the commodious facilities of the First Baptist Church of Los Angeles. The host pastor, Dr. Gene Bartlett, and his staff were largely responsible for the smooth running of the eight Conference sessions. Thanks to the foresight of the Church officials, all meetings and the luncheons were held under one roof for the first time in POAU Conference operation.

The total attendance at the Conference exceeded 4,000 persons, the high points being the Monday and Tuesday night rallies featuring Bishop Gerald H. Kennedy and author Paul Blanshard. Not only POAU officials, but other less enthusiastic observers, were impressed by the large attendance. The National Catholic Welfare Press correspondent wrote: "Paul Blanshard spoke to a capacity crowd of about 2,000."

National Protest

(Continued from page 1)

Washington attorneys Frank S. Ketcham and Seymour Krieger, declared:

Religion and controversial issues must be given time on the air. We do not question the right of a broadcast licensee to refuse to present a bad program whether it be religious or not. We assert, however, that a broadcast licensee cannot refuse to telecast a program of a religious or controversial nature because in his opinion it might offend people who have contrary positions. Particularly, after he has entered into a valid contract. . . .

Ordinarily station WGN would not come before the FCC for relicensing until 1958, but the Chicago Action Committee has asked that it be required to file an application for renewal within thirty days because of its arbitrary action. The attorney's petition effectively cited a 1949 report by the FCC itself which declared that "broadcast licensees have an affirmative duty generally to encourage and implement the broadcast of all sides of controversial public issues." The chairman of the Chicago Action Committee, is Dr. John W. Harms, executive vice-president of the Church Federation of Greater Chicago, and a member of POAU's National Advisory Council. The Chicago Branch of the American Civil Liberties Union has joined the protest.

'Hero' or 'Rat'?

Although the Archdiocese of Chicago still lamely denies any direct pressure on station WGN, it is known that, as *Time* magazine pointed out,

"Roman Catholics swamped the station with protesting letters, postcards and telephone calls. Sample: 'We object to you showing the film because it makes a hero out of a rat.'"

Against such narrow fanaticism, however, many noted Catholics have protested, and expressed their regret over the whole incident. *The Commonwealth*, in an editorial on February 15, declared that the "cancellation involves issues of grave importance to our society. . . . The Catholics who followed this course of action . . . no matter how good their intentions . . . have damaged the fabric of our democratic society; they have damaged the Catholic Church; and they have damaged relationships between Catholic and Protestant in this country."

POAU members who have not already done so should write to both the FCC and Senator Warren Magnuson, and should cooperate with Lutheran and other groups in attempting to get the noted film on local TV stations.

New POAU Leaflets

POAU members and Chapters may wish to order quantities of the following new publications:

Let's Think It Through—My Reply to the Archbishop, by Glenn L. Archer. (Single copy 5c, \$2.00 per 100.)

Facing a Common Peril, by C. Stanley Lowell. (Reprint from *The Evangel*, single copy 5c, \$2.00 per 100.)

The Rising Tempo of Rome's Demands, by C. Stanley Lowell. (Reprint from *Christianity Today*, single copy 5c, \$2.00 per 100.)

Censorship in Chicago. (The ban on the *Martin Luther* film. Reprint from *The Christian Century*, single copy 5c, \$2.00 per 100.)

A Positive Task. (The constructive work of POAU. Reprint from *Church and State*, one to five copies free, 25 for 50c, 100 for \$1.25.)

List of POAU Publications (free).

List of POAU Recordings (free).

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Washington to Renegotiate Haitian Pact, Two Years After POAU Protest

A decisive victory has been won by POAU and associated groups in a long struggle to block approval of a treaty with Haiti which omits the traditional freedom of religion guarantees.

According to an announcement of the State Department reported in Religious News Service on February 15, the Department "will not press Congress to consider at this session the draft treaty of friendship, commerce and navigation with Haiti. . . ."

Curiously, the RNS story did not mention POAU. A complete story would have recorded that the campaign to defeat the treaty which lacked the religious freedom clause was originally launched by the POAU publication, *Church and State*, in May, 1955. POAU's exclusive story pointed to this dangerous omission in the treaty and urged that it be promptly re-drafted.

POAU speakers have expressed their belief that such an omission in the Haitian treaty might be a precedent for similar treaties with countries like Spain which deny religious freedom.

Shortly before the 85th Congress convened, John P. Meagher, chief of the State Department's public service division, had written Glenn L. Archer stating that the Department had not changed its thinking on the Haitian treaty, that it was a good treaty and that the Senate would be asked to approve it in its present form. Archer's strong statement, together with protests from the Baptist Joint Committee and the National Association of Evangelicals, turned the tide. The State Department now says that the treaty will remain in a "pigeon hole" throughout the present session of Congress and discussions will be re-opened with Haiti when the new government takes over there. (Elections are to be held in May.) This was ex-

actly the step urged on the Department by Archer in his letter to John Foster Dulles on December 18, 1956 (*Church and State*, January).

Kentucky Committee Wins Partial Victory

A new, partial victory was scored by the Kentucky Free Schools Committee in February when Judge W. B. Ardery of Franklin Circuit Court directed the Marion County School Board to establish a single new high school in the central part of the county for the students of the whole section, both Catholic and non-Catholic. The judge's ruling was not wholly satisfactory to the plaintiffs in the case because it did not order the reopening of the Bradfordsville High School, but it constitutes a significant defeat for those Catholic forces of the county which had been maintaining two nominally public high schools under Catholic control, St. Charles and St. Francis, staffed by Catholic nuns. Judge Ardery's order, if carried out completely, will result in taking St. Charles and St. Francis high schools off of the public payrolls, and the establishment of one central high school which would presumably absorb many of the students from these Catholic-dominated institutions. The judge's order permits the county to operate St. Charles and St. Francis temporarily, but the county is enjoined against spending

public money to improve either of these institutions at the present time. The plan calls for the abandonment of these high schools as public institutions when a central institution is established as a public high school for the entire county.

Judge Ardery's order is being appealed by the Marion County School Board. Meanwhile, leaders of the Kentucky Free Schools Committee are pressing their suit to mandamus the State Board of Education to remove from the Marion County School Board the four members who have pursued a pro-sectarian policy by gerrymandering the county in favor of Catholic-dominated institutions.

The case against the four members of the Marion County School Board has been strengthened by Judge Ardery's new order which declared that "the present system of schools in Marion County, which in large measure segregates the Catholic from the Protestant children in the public schools, is detrimental to the understanding and tolerance of both parents and children . . ."

Vatican, Soviet Profit As Tito Visit Blocked

A convincing demonstration of its power over American foreign policy was provided by the Roman Catholic hierarchy last month when it forced cancellation of the visit of President Tito.

President Eisenhower had extended the invitation to the Yugoslav leader in the hope of strengthening ties with a nation that has persisted in its independence from Moscow.

They had not reckoned with the Roman Catholic hierarchy, which for some reason chose to make the Tito visit a test of its strength. Leader in the clerically inspired drive to bar Tito was Rep. John W. McCormack (D., Mass.) who slipped through the 84th Congress an \$8 million subsidy to the Roman Catholic Church in the Philippines. McCormack was strongly supported on the Tito issue by Rep. Gordon L. McDonough (R., Calif.), Rep. Alvin E. O'Konski (R., Wis.) and Rep. Kenneth B. Keating (R., N. Y.).

Nobody we talked with had much brief for Tito, but most thought President Eisenhower should have been able to talk with him. As one official put it, "The only ones happy over the outcome are the Soviet Union and the Vatican."

CHURCH AND STATE

Monthly Organ of

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